

## TITLE II—BIOMASS

### 2 SEC. 201. FINDINGS.

3 Congress finds that—

4 (1)(A) thousands of communities in the United  
5 States, many located near Federal land, are at risk  
6 of wildfire;

7 (B) more than 100,000,000 acres of land man-  
8 aged by the Secretary of Agriculture and the Sec-  
9 retary of the Interior are at risk of catastrophic fire  
10 in the near future; and

11 (C) the accumulation of heavy forest and range-  
12 land fuel loads continues to increase as a result of  
13 fire exclusion, disease, insect infestations, and  
14 drought, further raising the risk of fire each year;

15 (2)(A) more than 70,000,000 acres across all  
16 land ownerships are at risk of higher than normal  
17 mortality during the 15-year period beginning on the  
18 date of enactment of this Act because of insect infes-  
19 tation and disease; and

20 (B) high levels of tree mortality from insects  
21 and disease result in—

22 (i) increased fire risk;

23 (ii) loss of older trees and old growth;

24 (iii) degraded watershed conditions;

1 (iv) changes in species diversity and pro-  
2 ductivity;

3 (v) diminished fish and wildlife habitat;

4 (vi) decreased timber values; and

5 (vii) increased threats to homes, busi-  
6 nesses, and community watersheds;

7 (3)(A) preventive treatments (such as reducing  
8 fuel loads, crown density, ladder fuels, and hazard  
9 trees), planting proper species mix, restoring and  
10 protecting early successional habitat, and completing  
11 other specific restoration treatments designed to re-  
12 duce the susceptibility of forest and rangeland to in-  
13 sect outbreaks, disease, and catastrophic fire present  
14 the greatest opportunity for long-term forest and  
15 rangeland health, maintenance, and enhancement by  
16 creating a mosaic of species-mix and age distribu-  
17 tion; and

18 (B) those vegetation management treatments  
19 are widely acknowledged to be more successful and  
20 cost-effective than suppression treatments in the  
21 case of insects, disease, and fire;

22 (4)(A) the byproducts of vegetative manage-  
23 ment treatment (such as trees, brush, thinnings,  
24 chips, slash, and other hazardous fuels) removed

1 from forest and rangeland represent an abundant  
2 supply of—

3 (i) biomass for biomass-to-energy facilities;

4 and

5 (ii) raw material for business; and

6 (B) there are currently few markets for the ex-  
7 traordinary volumes of by-products being generated  
8 as a result of the necessary large-scale preventive  
9 treatment activities; and

10 (5) the United States should—

11 (A) promote economic and entrepreneurial  
12 opportunities in using by-products removed  
13 through vegetation treatment activities relating  
14 to hazardous fuels reduction, disease, and insect  
15 infestation;

16 (B) develop and expand markets for tradi-  
17 tionally underused wood and biomass as an out-  
18 let for by-products of preventive treatment ac-  
19 tivities; and

20 (C) promote research and development to  
21 provide, for the by-products, economically and  
22 environmentally sound—

23 (i) management systems;

24 (ii) harvest and transport systems;

25 and

1 (iii) utilization options.

2 **SEC. 202. DEFINITIONS.**

3 In this title:

4 (1) BIOMASS.—The term “biomass” means  
5 trees and woody plants (including limbs, tops, needles,  
6 other woody parts, and wood waste) and by-  
7 products of preventive treatment (such as wood,  
8 brush, thinnings, chips, and slash) that are  
9 removed—

10 (A) to reduce hazardous fuels;

11 (B) to reduce the risk of or to contain disease or insect infestation; or  
12

13 (C) to improve forest health and wildlife  
14 habitat conditions.

15 (2) PERSON.—The term “person” includes—

16 (A) an individual;

17 (B) a community (as determined by the  
18 Secretary);

19 (C) an Indian tribe;

20 (D) a small business, microbusiness, or a  
21 corporation that is incorporated in the United  
22 States; and

23 (E) a nonprofit organization.

24 (3) PREFERRED COMMUNITY.—The term “pre-  
25 ferred community” means—

1 (A) any town, township, municipality, In-  
2 dian tribe, or other similar unit of local govern-  
3 ment (as determined by the Secretary) that—

4 (i) has a population of not more than  
5 50,000 individuals; and

6 (ii) the Secretary, in the sole discre-  
7 tion of the Secretary, determines contains  
8 or is located near, or with a water supply  
9 system that contains or is located near,  
10 land that—

11 (I) is at significant risk of cata-  
12 strophic wildfire, disease, or insect in-  
13 festation; or

14 (II) suffers from disease or insect  
15 infestation; or

16 (B) any area or unincorporated area rep-  
17 resented by a nonprofit organization approved  
18 by the Secretary, that—

19 (i) is not wholly contained within a  
20 metropolitan statistical area; and

21 (ii) the Secretary, in the sole discre-  
22 tion of the Secretary, determines contains  
23 or is located near, or with a water supply  
24 system that contains or is located near,  
25 land—

1 (I) the condition of which is at  
2 significant risk of catastrophic wild-  
3 fire, disease, or insect infestation; or  
4 (II) that suffers from disease or  
5 insect infestation.

6 (4) SECRETARY.—The term “Secretary”  
7 means—

8 (A) the Secretary of Agriculture, with re-  
9 spect to National Forest System land; and

10 (B) the Secretary of the Interior, with re-  
11 spect to Federal land under the jurisdiction of  
12 the Secretary of the Interior (including land  
13 held in trust for the benefit of an Indian tribe).

14 **SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF**  
15 **FOREST BIOMASS FOR ELECTRIC ENERGY,**  
16 **USEFUL HEAT, TRANSPORTATION FUELS,**  
17 **COMPOST, VALUE-ADDED PRODUCTS, AND**  
18 **PETROLEUM-BASED PRODUCT SUBSTITUTES.**

19 (a) BIOMASS COMMERCIAL UTILIZATION GRANT  
20 PROGRAM.—

21 (1) IN GENERAL.—The Secretary may make  
22 grants to any person that owns or operates a facility  
23 that uses biomass as a raw material to produce elec-  
24 tric energy, sensible heat, transportation fuels, sub-  
25 stitutes for petroleum-based products, wood-based

1 products, pulp, or other commercial products to off-  
2 set the costs incurred to purchase biomass for use  
3 by the facility.

4 (2) GRANT AMOUNTS.—A grant under this sub-  
5 section may not exceed \$20 per green ton of biomass  
6 delivered.

7 (3) MONITORING OF GRANT RECIPIENT ACTIVI-  
8 TIES.—

9 (A) IN GENERAL.—As a condition of a  
10 grant under this subsection, the grant recipient  
11 shall keep such records as the Secretary may  
12 require to fully and correctly disclose the use of  
13 the grant funds and all transactions involved in  
14 the purchase of biomass.

15 (B) ACCESS.—On notice by a representa-  
16 tive of the Secretary, the grant recipient shall  
17 afford the representative—

18 (i) reasonable access to the facility  
19 that purchases or uses biomass; and  
20 (ii) an opportunity to examine the in-  
21 ventory and records of the facility.

22 (b) VALUE-ADDED GRANT PROGRAM.—

23 (1) IN GENERAL.—The Secretary—

1 (A) may make grants to persons to offset  
2 the cost of projects to add value to biomass;  
3 and

4 (B) in making a grant under subparagraph  
5 (A), shall give preference to persons in pre-  
6 ferred communities.

7 (2) SELECTION.—The Secretary shall select a  
8 grant recipient under paragraph (1)(A) after giving  
9 consideration to—

10 (A) the anticipated public benefits of the  
11 project;

12 (B) opportunities for the creation or ex-  
13 pansion of small businesses and micro-  
14 businesses resulting from the project; and

15 (C) the potential for new job creation as a  
16 result of the project.

17 (3) GRANT AMOUNT.—A grant under this sub-  
18 section shall not exceed \$100,000.

19 (c) RELATION TO OTHER ENDANGERED SPECIES  
20 AND RIPARIAN PROTECTIONS.—

21 (1) IN GENERAL.—The Secretary shall comply  
22 with applicable endangered species and riparian pro-  
23 tections in making grants under this section.



1           (2) PROJECTS.—Projects funded using grant  
2       proceeds shall be required to comply with the protec-  
3       tions.

4       (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
5       authorized to be appropriated to carry out this section  
6       \$25,000,000 for each of fiscal years 2004 through 2008.

7       **SEC. 204. REPORTING REQUIREMENT.**

8       (a) REPORT REQUIRED.—Not later than October 1,  
9       2008, the Secretary of Agriculture, in consultation with  
10      the Secretary of the Interior, shall submit to the Com-  
11      mittee on Resources and the Committee on Agriculture of  
12      the House of Representatives and the Committee on En-  
13      ergy and Natural Resources and the Committee on Agri-  
14      culture, Nutrition, and Forestry of the Senate a report  
15      describing the results of the grant programs authorized  
16      by section 203.

17      (b) CONTENTS OF REPORT.—The report shall  
18      include—

19           (1) an identification of the source, size, type,  
20           and the end-use of biomass by persons that receive  
21           grants under section 203;

22           (2) the haul costs incurred and the distance be-  
23           tween the land from which the biomass was removed  
24           and the facilities that used the biomass;

1           (3) the economic impacts, particularly new job  
2           creation, resulting from the grants to and operation  
3           of the eligible operations; and

4           (4) the environmental effects of the activities  
5           described in this section.

6 **SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.**

7           (a) USES OF GRANTS, CONTRACTS, AND ASSIST-  
8           ANCE.—Section 307(d) of the Biomass Research and De-  
9           velopment Act of 2000 (7 U.S.C. 7624 note; Public Law  
10          106–224) is amended—

11           (1) in paragraph (3), by striking “or” at the  
12           end;

13           (2) in paragraph (4), by striking the period at  
14           the end and inserting “; or”; and

15           (3) by adding at the end the following:

16           “(5) research to integrate silviculture, har-  
17           vesting, product development, processing informa-  
18           tion, and economic evaluation to provide the science,  
19           technology, and tools to forest managers and com-  
20           munity developers for use in evaluating forest treat-  
21           ment and production alternatives, including—

22           “(A) to develop tools that would enable  
23           land managers, locally or in a several-State re-  
24           gion, to estimate—

1 “(i) the cost to deliver varying quan-  
2 tities of wood to a particular location; and

3 “(ii) the amount that could be paid  
4 for stumpage if delivered wood was used  
5 for a specific mix of products;

6 “(B) to conduct research focused on devel-  
7 oping appropriate thinning systems and equip-  
8 ment designs that are—

9 “(i) capable of being used on land  
10 without significant adverse effects on the  
11 land;

12 “(ii) capable of handling large and  
13 varied landscapes;

14 “(iii) adaptable to handling a wide va-  
15 riety of tree sizes;

16 “(iv) inexpensive; and

17 “(v) adaptable to various terrains; and

18 “(C) to develop, test, and employ in the  
19 training of forestry managers and community  
20 developers curricula materials and training pro-  
21 grams on matters described in subparagraphs  
22 (A) and (B).”.

23 (b) FUNDING.—Section 310(b) of the Biomass Re-  
24 search and Development Act of 2000 (7 U.S.C. 7624 note;  
25 Public Law 106–224) is amended—

1 (1) by striking “\$49,000,000” and inserting  
2 “\$54,000,000”; and

3 (2) by inserting before the period at the end the  
4 following: “, of which not less than \$5,000,000 shall  
5 be used for each fiscal year to carry out section  
6 307(d)(5)”.

7 **SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.**

8 Section 2371 of the Food, Agriculture, Conservation,  
9 and Trade Act of 1990 (7 U.S.C. 6601) is amended by  
10 adding at the end the following:

11 “(d) RURAL REVITALIZATION TECHNOLOGIES.—

12 “(1) IN GENERAL.—The Secretary of Agri-  
13 culture, acting through the Chief of the Forest Serv-  
14 ice, in consultation with the State and Private For-  
15 estry Technology Marketing Unit at the Forest  
16 Products Laboratory, and in collaboration with eligi-  
17 ble institutions, may carry out a program—

18 “(A) to accelerate adoption of technologies  
19 using biomass and small-diameter materials;

20 “(B) to create community-based enter-  
21 prises through marketing activities and dem-  
22 onstration projects; and

23 “(C) to establish small-scale business en-  
24 terprises to make use of biomass and small-di-  
25 ameter materials.

1           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
2       There is authorized to be appropriated to carry out  
3       this subsection \$5,000,000 for each of fiscal years  
4       2004 through 2008.”.

5           **TITLE III—WATERSHED**  
6           **FORESTRY ASSISTANCE**

7       **SEC. 301. FINDINGS AND PURPOSES.**

8       (a) FINDINGS.—Congress finds that—

9           (1) there has been a dramatic shift in public at-  
10       titudes and perceptions about forest management,  
11       particularly in the understanding and practice of  
12       sustainable forest management;

13          (2) it is commonly recognized that the proper  
14       stewardship of forest land is essential to sustaining  
15       and restoring the health of watersheds;

16          (3) forests can provide essential ecological serv-  
17       ices in filtering pollutants, buffering important rivers  
18       and estuaries, and minimizing flooding, which makes  
19       forest restoration worthy of special focus; and

20          (4) strengthened education, technical assist-  
21       ance, and financial assistance for nonindustrial pri-  
22       vate forest landowners and communities, relating to  
23       the protection of watershed health, is needed to real-  
24       ize the expectations of the general public.

25       (b) PURPOSES.—The purposes of this title are—

1           (1) to improve landowner and public under-  
2           standing of the connection between forest manage-  
3           ment and watershed health;

4           (2) to encourage landowners to maintain tree  
5           cover on property and to use tree plantings and veg-  
6           etative treatments as creative solutions to watershed  
7           problems associated with varying land uses;

8           (3) to enhance and complement forest manage-  
9           ment and buffer use for watersheds, with an empha-  
10          sis on community watersheds;

11          (4) to establish new partnerships and collabo-  
12          rative watershed approaches to forest management,  
13          stewardship, and conservation;

14          (5) to provide technical and financial assistance  
15          to States to deliver a coordinated program that en-  
16          hances State forestry best-management practices  
17          programs, and conserves and improves forested land  
18          and potentially forested land, through technical, fi-  
19          nancial, and educational assistance to qualifying in-  
20          dividuals and entities; and

21          (6) to maximize the proper management and  
22          conservation of wetland forests and to assist in the  
23          restoration of those forests.

1 **SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

2 The Cooperative Forestry Assistance Act of 1978 is  
3 amended by inserting after section 5 (16 U.S.C. 2103a)  
4 the following:

5 **“SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

6 “(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOR-  
7 EST LAND.—In this section, the term ‘nonindustrial pri-  
8 vate forest land’ means rural land, as determined by the  
9 Secretary, that—

10 “(1) has existing tree cover or that is suitable  
11 for growing trees; and

12 “(2) is owned by any nonindustrial private indi-  
13 vidual, group, association, corporation, or other pri-  
14 vate legal entity, that has definitive decisionmaking  
15 authority over the land.

16 “(b) GENERAL AUTHORITY AND PURPOSE.—The  
17 Secretary, acting through the Chief of the Forest Service,  
18 may provide technical, financial, and related assistance to  
19 State foresters, equivalent State officials, and officials of  
20 the Cooperative State Research, Education, and Extension  
21 Service for the purpose of expanding State forest steward-  
22 ship capacities and activities through State forestry best-  
23 management practices and other means at the State level  
24 to address watershed issues on non-Federal forested land  
25 and potentially forested land.

1       “(c) TECHNICAL ASSISTANCE TO PROTECT WATER  
2 QUALITY.—

3               “(1) IN GENERAL.—The Secretary, in coopera-  
4 tion with State foresters, officials of the Cooperative  
5 State Research, Education, and Extension Service,  
6 or equivalent State officials, shall engage interested  
7 members of the public, including nonprofit organiza-  
8 tions and local watershed councils, to develop a pro-  
9 gram of technical assistance to protect water quality  
10 described in paragraph (2).

11               “(2) PURPOSE OF PROGRAM.—The program  
12 under this subsection shall be designed—

13                       “(A) to build and strengthen watershed  
14 partnerships that focus on forested landscapes  
15 at the State, regional, and local levels;

16                       “(B) to provide State forestry best-man-  
17 agement practices and water quality technical  
18 assistance directly to owners of nonindustrial  
19 private forest land;

20                       “(C) to provide technical guidance to land  
21 managers and policymakers for water quality  
22 protection through forest management;

23                       “(D) to complement State and local efforts  
24 to protect water quality and provide enhanced  
25 opportunities for consultation and cooperation



1 among Federal and State agencies charged with  
2 responsibility for water and watershed manage-  
3 ment; and

4 “(E) to provide enhanced forest resource  
5 data and support for improved implementation  
6 and monitoring of State forestry best-manage-  
7 ment practices.

8 “(3) IMPLEMENTATION.—The program of tech-  
9 nical assistance shall be implemented by State for-  
10 esters or equivalent State officials.

11 “(d) WATERSHED FORESTRY COST-SHARE PRO-  
12 GRAM.—

13 “(1) IN GENERAL.—The Secretary shall estab-  
14 lish a watershed forestry cost-share program—

15 “(A) which shall be—

16 “(i) administered by the Forest Serv-  
17 ice; and

18 “(ii) implemented by State foresters  
19 or equivalent State officials; and

20 “(B) under which funds or other support  
21 provided shall be made available for State for-  
22 estry best-management practices programs and  
23 watershed forestry projects.

24 “(2) WATERSHED FORESTRY PROJECTS.—The  
25 State forester, State Research, Education and Ex-

1       tension official, or equivalent State official of a  
2       State, in coordination with the State Forest Stew-  
3       ardship Coordinating Committee established under  
4       section 19(b) (or an equivalent committee) for that  
5       State, shall make awards to communities, nonprofit  
6       groups, and owners of nonindustrial private forest  
7       land under the program for watershed forestry  
8       projects described in paragraph (3).

9               “(3) PROJECT ELEMENTS AND OBJECTIVES.—A  
10       watershed forestry project shall accomplish critical  
11       forest stewardship, watershed protection, and res-  
12       toration needs within a State by demonstrating the  
13       value of trees and forests to watershed health and  
14       condition through—

15               “(A) the use of trees as solutions to water  
16       quality problems in urban and rural areas;

17               “(B) community-based planning, involve-  
18       ment, and action through State, local and non-  
19       profit partnerships;

20               “(C) application of and dissemination of  
21       monitoring information on forestry best-man-  
22       agement practices relating to watershed for-  
23       estry;

24               “(D) watershed-scale forest management  
25       activities and conservation planning; and

1           “(E)(i) the restoration of wetland (as de-  
2           fined by the States) and stream-side forests;  
3           and

4           “(ii) the establishment of riparian vegeta-  
5           tive buffers.

6           “(4) COST-SHARING.—

7           “(A) FEDERAL SHARE.—

8           “(i) FUNDS UNDER THIS SUB-  
9           SECTION.—Funds provided under this sub-  
10          section for a watershed forestry project  
11          may not exceed 75 percent of the cost of  
12          the project.

13          “(ii) OTHER FEDERAL FUNDS.—The  
14          percentage of the cost of a project de-  
15          scribed in clause (i) that is not covered by  
16          funds made available under this subsection  
17          may be paid using other Federal funding  
18          sources, except that the total Federal share  
19          of the costs of the project may not exceed  
20          90 percent.

21          “(B) FORM.—The non-Federal share of  
22          the costs of a project may be provided in the  
23          form of cash, services, or other in-kind con-  
24          tributions.

1           “(5) PRIORITIZATION.—The State Forest Stew-  
2           ardship Coordinating Committee for a State, or  
3           equivalent State committee, shall prioritize water-  
4           sheds in that State to target watershed forestry  
5           projects funded under this subsection.

6           “(6) WATERSHED FORESTER.—Financial and  
7           technical assistance shall be made available to the  
8           State Forester or equivalent State official to create  
9           a State watershed or best-management practice for-  
10          ester position to—

11                   “(A) lead statewide programs; and

12                   “(B) coordinate watershed-level projects.

13          “(e) DISTRIBUTION.—

14           “(1) IN GENERAL.—Of the funds made avail-  
15           able for a fiscal year under subsection (g), the Sec-  
16           retary shall use—

17                   “(A) at least 75 percent of the funds to  
18                   carry out the cost-share program under sub-  
19                   section (d); and

20                   “(B) the remainder of the funds to deliver  
21                   technical assistance, education, and planning, at  
22                   the local level, through the State Forester or  
23                   equivalent State official.

24           “(2) SPECIAL CONSIDERATIONS.—Distribution  
25           of funds by the Secretary among States under para-

1 graph (1) shall be made only after giving appro-  
2 priate consideration to—

3 “(A) the acres of agricultural land, non-  
4 industrial private forest land, and highly erod-  
5 ible land in each State;

6 “(B) the miles of riparian buffer needed;

7 “(C) the miles of impaired stream seg-  
8 ments and other impaired water bodies where  
9 forestry practices can be used to restore or pro-  
10 tect water resources;

11 “(D) the number of owners of nonindus-  
12 trial private forest land in each State; and

13 “(E) water quality cost savings that can be  
14 achieved through forest watershed management.

15 “(f) WILLING OWNERS.—

16 “(1) IN GENERAL.—Participation of an owner  
17 of nonindustrial private forest land in the watershed  
18 forestry assistance program under this section is vol-  
19 untary.

20 “(2) WRITTEN CONSENT.—The watershed for-  
21 estry assistance program shall not be carried out on  
22 nonindustrial private forest land without the written  
23 consent of the owner of, or entity having definitive  
24 decisionmaking over, the nonindustrial private forest  
25 land.

1       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to carry out this section  
3 \$15,000,000 for each of fiscal years 2004 through 2008.”.

4   **SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.**

5       (a) IN GENERAL.—The Secretary of Agriculture (re-  
6 ferred to in this section as the “Secretary”), acting  
7 through the Chief of the Forest Service, shall provide tech-  
8 nical, financial, and related assistance to Indian tribes for  
9 the purpose of expanding tribal stewardship capacities and  
10 activities through tribal forestry best-management prac-  
11 tices and other means at the tribal level to address water-  
12 shed issues on land under the jurisdiction of or adminis-  
13 tered by the Indian tribes.

14       (b) TECHNICAL ASSISTANCE TO PROTECT WATER  
15 QUALITY.—

16           (1) IN GENERAL.—The Secretary, in coopera-  
17 tion with Indian tribes, shall develop a program to  
18 provide technical assistance to protect water quality,  
19 as described in paragraph (2).

20           (2) PURPOSE OF PROGRAM.—The program  
21 under this subsection shall be designed—

22               (A) to build and strengthen watershed  
23 partnerships that focus on forested landscapes  
24 at the State, regional, tribal, and local levels;

1 (B) to provide tribal forestry best-manage-  
2 ment practices and water quality technical as-  
3 sistance directly to Indian tribes;

4 (C) to provide technical guidance to tribal  
5 land managers and policy makers for water  
6 quality protection through forest management;

7 (D) to complement tribal efforts to protect  
8 water quality and provide enhanced opportuni-  
9 ties for consultation and cooperation among  
10 Federal agencies and tribal entities charged  
11 with responsibility for water and watershed  
12 management; and

13 (E) to provide enhanced forest resource  
14 data and support for improved implementation  
15 and monitoring of tribal forestry best-manage-  
16 ment practices.

17 (c) WATERSHED FORESTRY PROGRAM.—

18 (1) IN GENERAL.—The Secretary shall establish  
19 a watershed forestry program to be administered by  
20 Indian tribes.

21 (2) PROGRAMS AND PROJECTS.—Funds or  
22 other support provided under the program shall be  
23 made available for tribal forestry best-management  
24 practices programs and watershed forestry projects.

1           (3) ANNUAL AWARDS.—The Secretary shall an-  
2 nually make awards to Indian tribes to carry out  
3 this subsection.

4           (4) PROJECT ELEMENTS AND OBJECTIVES.—A  
5 watershed forestry project shall accomplish critical  
6 forest stewardship, watershed protection, and res-  
7 toration needs within land under the jurisdiction of  
8 or administered by an Indian tribe by demonstrating  
9 the value of trees and forests to watershed health  
10 and condition through—

11               (A) the use of trees as solutions to water  
12 quality problems;

13               (B) application of and dissemination of  
14 monitoring information on forestry best-man-  
15 agement practices relating to watershed for-  
16 estry;

17               (C) watershed-scale forest management ac-  
18 tivities and conservation planning;

19               (D) the restoration of wetland and stream-  
20 side forests and the establishment of riparian  
21 vegetative buffers; and

22               (E) tribal-based planning, involvement, and  
23 action through State, tribal, local, and non-  
24 profit partnerships.



1           (5) PRIORITIZATION.—An Indian tribe that  
2       participates in the program under this subsection  
3       shall prioritize watersheds in land under the jurisdic-  
4       tion of or administered by the Indian tribe to target  
5       watershed forestry projects funded under this sub-  
6       section.

7           (6) WATERSHED FORESTER.—The Secretary  
8       may provide to Indian tribes under this section fi-  
9       nancial and technical assistance to establish a posi-  
10      tion of tribal forester to lead tribal programs and co-  
11      ordinate small watershed-level projects.

12      (d) DISTRIBUTION.—The Secretary shall devote—

13          (1) at least 75 percent of the funds made avail-  
14      able for a fiscal year under subsection (e) to the pro-  
15      gram under subsection (c); and

16          (2) the remainder of the funds to deliver tech-  
17      nical assistance, education, and planning on the  
18      ground to Indian tribes.

19      (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
20      authorized to be appropriated to carry out this section  
21      \$2,500,000 for each of fiscal years 2004 through 2008.

1 **TITLE IV—INSECT INFESTA-**  
2 **TIONS AND RELATED DIS-**  
3 **EASES**

4 **SEC. 401. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) high levels of tree mortality resulting from  
7 insect infestation (including the interaction between  
8 insects and diseases) may result in—

9 (A) increased fire risk;

10 (B) loss of old trees and old growth;

11 (C) loss of threatened and endangered spe-  
12 cies;

13 (D) loss of species diversity;

14 (E) degraded watershed conditions;

15 (F) increased potential for damage from  
16 other agents of disturbance, including exotic,  
17 invasive species; and

18 (G) decreased timber values;

19 (2)(A) forest-damaging insects destroy hun-  
20 dreds of thousands of acres of trees each year;

21 (B) in the West, more than 21,000,000 acres  
22 are at high risk of forest-damaging insect infesta-  
23 tion, and in the South, more than 57,000,000 acres  
24 are at risk across all land ownerships; and

1 (C) severe drought conditions in many areas of  
2 the South and West will increase the risk of forest-  
3 damaging insect infestations;

4 (3) the hemlock woolly adelgid is—

5 (A) destroying streamside forests through-  
6 out the mid-Atlantic and Appalachian regions;

7 (B) threatening water quality and sensitive  
8 aquatic species; and

9 (C) posing a potential threat to valuable  
10 commercial timber land in northern New Eng-  
11 land;

12 (4)(A) the emerald ash borer is a nonnative,  
13 invasive pest that has quickly become a major threat  
14 to hardwood forests because an emerald ash borer  
15 infestation is almost always fatal to affected trees;  
16 and

17 (B) the emerald ash borer pest threatens to de-  
18 stroy more than 692,000,000 ash trees in forests in  
19 Michigan and Ohio alone, and between 5 and 10  
20 percent of urban street trees in the Upper Midwest;

21 (5)(A) epidemic populations of Southern pine  
22 beetles are ravaging forests in Alabama, Arkansas,  
23 Florida, Georgia, Kentucky, Mississippi, North  
24 Carolina, South Carolina, Tennessee, and Virginia;  
25 and

1           (B) in 2001, Florida and Kentucky experienced  
2       146 percent and 111 percent increases, respectively,  
3       in Southern pine beetle populations;

4           (6) those epidemic outbreaks of Southern pine  
5       beetles have forced private landowners to harvest  
6       dead and dying trees, in rural areas and increasingly  
7       urbanized settings;

8           (7) according to the Forest Service, recent out-  
9       breaks of the red oak borer in Arkansas and Mis-  
10      souri have been unprecedented, with more than  
11      1,000,000 acres infested at population levels never  
12      seen before;

13          (8) much of the damage from the red oak borer  
14      has taken place in national forests, and the Federal  
15      response has been inadequate to protect forest eco-  
16      systems and other ecological and economic resources;

17          (9)(A) previous silvicultural assessments, while  
18      useful and informative, have been limited in scale  
19      and scope of application; and

20          (B) there have not been sufficient resources  
21      available to adequately test a full array of individual  
22      and combined applied silvicultural assessments;

23          (10) only through the full funding, develop-  
24      ment, and assessment of potential applied silvicul-  
25      tural assessments over specific time frames across

1 an array of environmental and climatic conditions  
2 can the most innovative and cost effective manage-  
3 ment applications be determined that will help re-  
4 duce the susceptibility of forest ecosystems to attack  
5 by forest pests;

6 (11)(A) often, there are significant interactions  
7 between insects and diseases;

8 (B) many diseases (such as white pine blister  
9 rust, beech bark disease, and many other diseases)  
10 can weaken trees and forest stands and predispose  
11 trees and forest stands to insect attack; and

12 (C) certain diseases are spread using insects as  
13 vectors (including Dutch elm disease and pine pitch  
14 canker); and

15 (12) funding and implementation of an initia-  
16 tive to combat forest pest infestations and associated  
17 diseases should not come at the expense of sup-  
18 porting other programs and initiatives of the Sec-  
19 retary.

20 (b) PURPOSES.—The purposes of this title are—

21 (1) to require the Secretary to develop an accel-  
22 erated basic and applied assessment program to  
23 combat infestations by forest-damaging insects and  
24 associated diseases;

1           (2) to enlist the assistance of colleges and uni-  
2       versities (including forestry schools, land grant col-  
3       leges and universities, and 1890 Institutions), State  
4       agencies, and private landowners to carry out the  
5       program; and

6           (3) to carry out applied silvicultural assess-  
7       ments.

8       **SEC. 402. DEFINITIONS.**

9       In this title:

10           (1) APPLIED SILVICULTURAL ASSESSMENT.—

11               (A) IN GENERAL.—The term “applied sil-  
12       vicultural assessment” means any vegetative or  
13       other treatment carried out for a purpose de-  
14       scribed in section 403.

15               (B) INCLUSIONS.—The term “applied sil-  
16       vicultural assessment” includes (but is not lim-  
17       ited to) timber harvesting, thinning, prescribed  
18       burning, pruning, and any combination of those  
19       activities.

20           (2) 1890 INSTITUTION.—

21               (A) IN GENERAL.—The term “1890 Insti-  
22       tution” means a college or university that is eli-  
23       gible to receive funds under the Act of August  
24       30, 1890 (7 U.S.C. 321 et seq.).

1 (B) INCLUSION.—The term “1890 Institu-  
2 tion” includes Tuskegee University.

3 (3) FOREST-DAMAGING INSECT.—The term  
4 “forest-damaging insect” means—

5 (A) a Southern pine beetle;

6 (B) a mountain pine beetle;

7 (C) a spruce bark beetle;

8 (D) a gypsy moth;

9 (E) a hemlock woolly adelgid;

10 (F) an emerald ash borer;

11 (G) a red oak borer;

12 (H) a white oak borer; and

13 (I) such other insects as may be identified  
14 by the Secretary.

15 (4) SECRETARY.—The term “Secretary”  
16 means—

17 (A) the Secretary of Agriculture, acting  
18 through the Forest Service, with respect to Na-  
19 tional Forest System land; and

20 (B) the Secretary of the Interior, acting  
21 through appropriate offices of the United States  
22 Geological Survey, with respect to federally  
23 owned land administered by the Secretary of  
24 the Interior.

1 **SEC. 403. ACCELERATED INFORMATION GATHERING RE-**  
2 **GARDING FOREST-DAMAGING INSECTS.**

3 (a) INFORMATION GATHERING.—The Secretary, act-  
4 ing through the Forest Service and United States Geologi-  
5 cal Survey, as appropriate, shall establish an accelerated  
6 program—

7 (1) to plan, conduct, and promote comprehen-  
8 sive and systematic information gathering on forest-  
9 damaging insects and associated diseases, including  
10 an evaluation of—

11 (A) infestation, prevention, and suppres-  
12 sion methods;

13 (B) effects of infestations and associated  
14 disease interactions on forest ecosystems;

15 (C) restoration of forest ecosystem efforts;

16 (D) utilization options regarding infested  
17 trees; and

18 (E) models to predict the occurrence, dis-  
19 tribution, and impact of outbreaks of forest-  
20 damaging insects and associated diseases;

21 (2) to assist land managers in the development  
22 of treatments and strategies to improve forest health  
23 and reduce the susceptibility of forest ecosystems to  
24 severe infestations of forest-damaging insects and  
25 associated diseases on Federal land and State and  
26 private land; and



1 (3) to disseminate the results of the informa-  
2 tion gathering, treatments, and strategies.

3 (b) COOPERATION AND ASSISTANCE.—The Secretary  
4 shall—

5 (1) establish and carry out the program in co-  
6 operation with—

7 (A) scientists from colleges and universities  
8 (including forestry schools, land grant colleges  
9 and universities, and 1890 Institutions);

10 (B) Federal, State, and local agencies; and

11 (C) private and industrial landowners; and

12 (2) designate such colleges and universities to  
13 assist in carrying out the program.

14 **SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.**

15 (a) ASSESSMENT EFFORTS.—For information gath-  
16 ering and research purposes, the Secretary may conduct  
17 applied silvicultural assessments on Federal land that the  
18 Secretary determines is at risk of infestation by, or is in-  
19 fested with, forest-damaging insects.

20 (b) LIMITATIONS.—

21 (1) EXCLUSION OF CERTAIN AREAS.—Sub-  
22 section (a) does not apply to—

23 (A) a component of the National Wilder-  
24 ness Preservation System;

1 (B) any Federal land on which, by Act of  
2 Congress or Presidential proclamation, the re-  
3 moval of vegetation is restricted or prohibited;

4 (C) a congressionally-designated wilderness  
5 study area; or

6 (D) an area in which activities under sub-  
7 section (a) would be inconsistent with the appli-  
8 cable land and resource management plan.

9 (2) CERTAIN TREATMENT PROHIBITED.—Noth-  
10 ing in subsection (a) authorizes the application of in-  
11 secticides in municipal watersheds or associated ri-  
12 parian areas.

13 (3) PEER REVIEW.—

14 (A) IN GENERAL.—Before being carried  
15 out, each applied silvicultural assessment under  
16 this title shall be peer reviewed by scientific ex-  
17 perts selected by the Secretary, which shall in-  
18 clude non-Federal experts.

19 (B) EXISTING PEER REVIEW PROC-  
20 ESSES.—The Secretary may use existing peer  
21 review processes to the extent the processes  
22 comply with subparagraph (A).

23 (c) PUBLIC NOTICE AND COMMENT.—

1           (1) PUBLIC NOTICE.—The Secretary shall pro-  
2       vide notice of each applied silvicultural assessment  
3       proposed to be carried out under this section.

4           (2) PUBLIC COMMENT.—The Secretary shall  
5       provide an opportunity for public comment before  
6       carrying out an applied silviculture assessment  
7       under this section.

8       (d) CATEGORICAL EXCLUSION.—

9           (1) IN GENERAL.—Applied silvicultural assess-  
10      ment and research treatments carried out under this  
11      section on not more than 1,000 acres for an assess-  
12      ment or treatment may be categorically excluded  
13      from documentation in an environmental impact  
14      statement and environmental assessment under the  
15      National Environmental Policy Act of 1969 (42  
16      U.S.C. 4321 et seq.).

17          (2) ADMINISTRATION.—Applied silvicultural as-  
18      sessments and research treatments categorically ex-  
19      cluded under paragraph (1)—

20           (A) shall not be carried out in an area that  
21           is adjacent to another area that is categorically  
22           excluded under paragraph (1) that is being  
23           treated with similar methods; and

24           (B) shall be subject to the extraordinary  
25      circumstances procedures established by the

1 Secretary pursuant to section 1508.4 of title  
2 40, Code of Federal Regulations.

3 (3) MAXIMUM CATEGORICAL EXCLUSION.—The  
4 total number of acres categorically excluded under  
5 paragraph (1) shall not exceed 250,000 acres.

6 (4) NO ADDITIONAL FINDINGS REQUIRED.—In  
7 accordance with paragraph (1), the Secretary shall  
8 not be required to make any findings as to whether  
9 an applied silvicultural assessment project, either in-  
10 dividually or cumulatively, has a significant effect on  
11 the environment.

12 **SEC. 405. RELATION TO OTHER LAWS.**

13 The authority provided to each Secretary under this  
14 title is supplemental to, and not in lieu of, any authority  
15 provided to the Secretaries under any other law.

16 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated such sums  
18 as are necessary to carry out this title for each of fiscal  
19 years 2004 through 2008.

1       **TITLE V—HEALTHY FORESTS**  
2               **RESERVE PROGRAM**

3       **SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RE-**  
4               **SERVE PROGRAM.**

5           (a) ESTABLISHMENT.—The Secretary of Agriculture  
6 shall establish the healthy forests reserve program for the  
7 purpose of restoring and enhancing forest ecosystems—

8               (1) to promote the recovery of threatened and  
9               endangered species;

10              (2) to improve biodiversity; and

11              (3) to enhance carbon sequestration.

12           (b) COORDINATION.—The Secretary of Agriculture  
13 shall carry out the healthy forests reserve program in co-  
14 ordination with the Secretary of the Interior and the Sec-  
15 retary of Commerce.

16       **SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN**  
17               **PROGRAM.**

18           (a) IN GENERAL.—The Secretary of Agriculture, in  
19 coordination with the Secretary of the Interior and the  
20 Secretary of Commerce, shall describe and define forest  
21 ecosystems that are eligible for enrollment in the healthy  
22 forests reserve program.

23           (b) ELIGIBILITY.—To be eligible for enrollment in  
24 the healthy forests reserve program, land shall be—

1           (1) private land the enrollment of which will re-  
2       store, enhance, or otherwise measurably increase the  
3       likelihood of recovery of a species listed as endan-  
4       gered or threatened under section 4 of the Endan-  
5       gered Species Act of 1973 (16 U.S.C. 1533); and

6           (2) private land the enrollment of which will re-  
7       store, enhance, or otherwise measurably improve the  
8       well-being of species that—

9           (A) are not listed as endangered or threat-  
10       ened under section 4 of the Endangered Species  
11       Act of 1973 (16 U.S.C. 1533); but

12          (B) are candidates for such listing, State-  
13       listed species, or special concern species.

14       (c) OTHER CONSIDERATIONS.—In enrolling land that  
15       satisfies the criteria under subsection (b), the Secretary  
16       of Agriculture shall give additional consideration to land  
17       the enrollment of which will—

18           (1) improve biological diversity; and

19           (2) increase carbon sequestration.

20       (d) ENROLLMENT BY WILLING OWNERS.—The Sec-  
21       retary of Agriculture shall enroll land in the healthy for-  
22       ests reserve program only with the consent of the owner  
23       of the land.

1       (e) MAXIMUM ENROLLMENT.—The total number of  
2   acres enrolled in the healthy forests reserve program shall  
3   not exceed 2,000,000 acres.

4       (f) METHODS OF ENROLLMENT.—

5           (1) IN GENERAL.—Land may be enrolled in the  
6   healthy forests reserve program in accordance  
7   with—

8               (A) a 10-year cost-share agreement;

9               (B) a 30-year agreement; or

10              (C) a long-term easement with a buyback  
11   option.

12           (2) PROPORTION.—The extent to which each  
13   enrollment method is used shall be based on the ap-  
14   proximate proportion of owner interest expressed in  
15   that method in comparison to the other methods.

16       (g) ENROLLMENT PRIORITY.—

17           (1) SPECIES.—The Secretary of Agriculture  
18   shall give priority to the enrollment of land that pro-  
19   vides the greatest conservation benefit to—

20               (A) primarily, species listed as endangered  
21               or threatened under section 4 of the Endan-  
22               gered Species Act of 1973 (16 U.S.C. 1533);  
23               and

24               (B) secondarily, species that—

1 (i) are not listed as endangered or  
2 threatened under section 4 of the Endan-  
3 gered Species Act of 1973 (16 U.S.C.  
4 1533); but

5 (ii) are candidates for such listing,  
6 State-listed species, or special concern spe-  
7 cies.

8 (2) COST-EFFECTIVENESS.—The Secretary of  
9 Agriculture shall also consider the cost-effectiveness  
10 of each agreement and easement, and their associ-  
11 ated restoration plans, so as to maximize the envi-  
12 ronmental benefits per dollar expended.

13 **SEC. 503. RESTORATION PLANS.**

14 (a) IN GENERAL.—Land enrolled in the healthy for-  
15 ests reserve program shall be subject to a restoration plan,  
16 to be developed jointly by the landowner and the Secretary  
17 of Agriculture.

18 (b) PRACTICES.—The restoration plan shall require  
19 such restoration practices as are necessary to restore and  
20 enhance habitat for—

21 (1) species listed as endangered or threatened  
22 under section 4 of the Endangered Species Act of  
23 1973 (16 U.S.C. 1533); and

24 (2) animal or plant species before the species  
25 reach threatened or endangered status, such as can-



1 didate, State-listed species, and special concern spe-  
2 cies.

3 **SEC. 504. FINANCIAL ASSISTANCE.**

4 (a) LONG-TERM EASEMENT WITH BUYBACK OP-  
5 TION.—

6 (1) PAYMENT AMOUNT.—In the case of land  
7 enrolled in the healthy forests reserve program using  
8 a long-term easement (with a minimum length of 99  
9 years) with a buyback option, the Secretary of Agri-  
10 culture shall pay the owner of the land an amount  
11 equal to not less than 75 percent, nor more than  
12 100 percent, of (as determined by the Secretary)—

13 (A) the fair market value of the enrolled  
14 land during the period the land is subject to the  
15 easement, less the fair market value of the land  
16 encumbered by the easement; and

17 (B) the actual costs of the approved con-  
18 servation practices or the average cost of ap-  
19 proved practices carried out on the land during  
20 the period the land is subject to the easement.

21 (2) BUY-BACK OPTION.—In the case of land en-  
22 rolled in the healthy forests reserve program using  
23 a long-term easement with a buyback option, begin-  
24 ning on the date that is 50 years after the date of  
25 enrollment of the land, and every 10 years there-

1 after, the owner of the land shall be permitted to  
2 purchase the easement back from the United States  
3 for an amount equal to not more than (as deter-  
4 mined by the Secretary)—

5 (A) the percentage of the fair market value  
6 the owner received for the easement under  
7 paragraph (1); and

8 (B) the costs, adjusted by the Secretary to  
9 reflect changes in the Consumer Price Index for  
10 all-urban consumers, as published by the Bu-  
11 reau of Labor Statistics, of the approved con-  
12 servation practices necessary for establishment  
13 of the easement.

14 (3) FUNDS.—All funds returned to the United  
15 States under this subsection shall be used to carry  
16 out the healthy forests reserve program.

17 (b) 30-YEAR AGREEMENT.— In the case of land en-  
18 rolled in the healthy forests reserve program using a 30-  
19 year agreement, the Secretary of Agriculture shall pay the  
20 owner of the land an amount equal to not more than (as  
21 determined by the Secretary)—

22 (1) 75 percent of the fair market value of the  
23 land, less the fair market value of the land encum-  
24 bered by the agreement; and

1           (2) 75 percent of the actual costs of the ap-  
2       proved conservation practices or 75 percent of the  
3       average cost of approved practices.

4       (c) 10-YEAR AGREEMENT.—In the case of land en-  
5       rolled in the healthy forests reserve program using a 10-  
6       year cost-share agreement, the Secretary of Agriculture  
7       shall pay the owner of the land an amount equal to not  
8       more than (as determined by the Secretary)—

9           (1) 50 percent of the actual costs of the ap-  
10      proved conservation practices; or

11           (2) 50 percent of the average cost of approved  
12      practices.

13      (d) ACCEPTANCE OF CONTRIBUTIONS.—The Sec-  
14      retary of Agriculture may accept and use contributions of  
15      non-Federal funds to make payments under this section.

16   **SEC. 505. TECHNICAL ASSISTANCE.**

17      (a) IN GENERAL.—The Secretary of Agriculture shall  
18      provide landowners with technical assistance to assist the  
19      owners in complying with the terms of plans (as included  
20      in agreements and easements) under the healthy forests  
21      reserve program.

22      (b) TECHNICAL SERVICE PROVIDERS.—The Sec-  
23      retary of Agriculture may request the services of, and  
24      enter into cooperative agreements with, individuals or enti-  
25      ties certified as technical service providers under section

1 1242 of the Food Security Act of 1985 (16 U.S.C. 3842),  
2 to assist the Secretary in providing technical assistance  
3 necessary to develop and implement the healthy forests re-  
4 serve program.

5 **SEC. 506. PROTECTIONS AND MEASURES**

6 (a) PROTECTIONS.—In the case of a landowner that  
7 enrolls land in the program and whose conservation activi-  
8 ties result in a net conservation benefit for listed, can-  
9 didate, or other species, the Secretary of Agriculture shall  
10 make available to the landowner safe harbor or similar as-  
11 surances and protection under—

12 (1) section 7(b)(4) of the Endangered Species  
13 Act of 1973 (16 U.S.C. 1536(b)(4)); or

14 (2) section 10(a)(1) of that Act (16 U.S.C.  
15 1539(a)(1)).

16 (b) MEASURES.—If protection under subsection (a)  
17 requires the taking of measures that are in addition to  
18 the measures covered by the applicable restoration plan  
19 agreed to under section 503, the cost of the additional  
20 measures, as well as the cost of any permit, shall be con-  
21 sidered part of the restoration plan for purposes of finan-  
22 cial assistance under section 504.

1 **SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGA-**  
2 **NIZATIONS.**

3 In carrying out this title, the Secretary of Agriculture  
4 may consult with—

- 5 (1) nonindustrial private forest landowners;
- 6 (2) other Federal agencies;
- 7 (3) State fish and wildlife agencies;
- 8 (4) State forestry agencies;
- 9 (5) State environmental quality agencies;
- 10 (6) other State conservation agencies; and
- 11 (7) nonprofit conservation organizations.

12 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out  
14 this title—

- 15 (1) \$25,000,000 for fiscal year 2004; and
- 16 (2) such sums as are necessary for each of fis-  
17 cal years 2005 through 2008.

18 **TITLE VI—PUBLIC LAND CORPS**

19 **SEC. 601. PURPOSES.**

20 The purposes of this title are—

- 21 (1) to carry out, in a cost-effective and efficient  
22 manner, rehabilitation, enhancement, and beautifi-  
23 cation projects;
- 24 (2) to offer young people, ages 16 through 25,  
25 particularly those who are at-risk or economically

1       disadvantaged, the opportunity to gain productive  
2       employment and exposure to the world of work;

3           (3) to give those young people the opportunity  
4       to serve their communities and their country; and

5           (4) to expand educational opportunities by re-  
6       warding individuals who participate in the Public  
7       Land Corps with an increased ability to pursue high-  
8       er education or job training.

9   **SEC. 602. DEFINITIONS.**

10       In this title:

11           (1) ALASKA NATIVE CORPORATION.—The term  
12       “Alaska Native Corporation” means a Regional Cor-  
13       poration or Village Corporation, as defined in section  
14       101(11) of the National and Community Service Act  
15       of 1990 (42 U.S.C. 12511(11)).

16           (2) CORPS.—The term “Corps” means the Pub-  
17       lic Land Corps established under section 603(a).

18           (3) HAWAIIAN HOME LANDS.—The term “Ha-  
19       waiian home lands” means that term, within the  
20       meaning of the National and Community Service Act  
21       of 1990 (42 U.S.C. 12501 et seq.).

22           (4) INDIAN LANDS.—The term “Indian lands”  
23       has the meaning given the term in section 101 of the  
24       National and Community Service Act of 1990 (42  
25       U.S.C. 12511).

1           (5) SECRETARIES.—The term “Secretaries”  
2 means—

3           (A) the Secretary of Agriculture; and

4           (B) the Secretary of the Interior.

5           (6) SERVICE AND CONSERVATION CORPS.—The  
6 term “service and conservation corps” means any or-  
7 ganization established by a State or local govern-  
8 ment, nonprofit organization, or Indian tribe that—

9           (A) has a demonstrable capability to pro-  
10 vide productive work to individuals;

11           (B) gives participants a combination of  
12 work experience, basic and life skills, education,  
13 training, and support services; and

14           (C) provides participants with the oppor-  
15 tunity to develop citizenship values through  
16 service to their communities and the United  
17 States.

18           (7) STATE.—The term “State” means—

19           (A) a State;

20           (B) the District of Columbia;

21           (C) the Commonwealth of Puerto Rico;

22           (D) Guam;

23           (E) American Samoa;

24           (F) the Commonwealth of the Northern  
25 Mariana Islands;

- 1 (G) the Federated States of Micronesia;
- 2 (H) the Republic of the Marshall Islands;
- 3 (I) the Republic of Palau; and
- 4 (J) the United States Virgin Islands.

5 **SEC. 603. PUBLIC LAND CORPS.**

6 (a) ESTABLISHMENT.—There is established a Public  
7 Land Corps.

8 (b) PARTICIPANTS.—The Corps shall consist of indi-  
9 viduals who are enrolled as members of a service or con-  
10 servation corps.

11 (c) CONTRACTS OR AGREEMENTS.—The Secretaries  
12 may enter into contracts or cooperative agreements—

13 (1) directly with any service and conservation  
14 corps to perform appropriate rehabilitation, enhance-  
15 ment, or beautification projects; or

16 (2) with a department of natural resources, ag-  
17 riculture, or forestry (or an equivalent department)  
18 of any State that has entered into a contract or co-  
19 operative agreement with a service and conservation  
20 corps to perform appropriate rehabilitation, enhance-  
21 ment, or beautification projects.

22 (d) PROJECTS.—

23 (1) IN GENERAL.—The Secretaries may use the  
24 members of a service and conservation corps to per-



1 form rehabilitation, enhancement, or beautification  
2 projects authorized by law.

3 (2) INCLUDED LAND.—In addition to Federal  
4 and State lands, the projects may be carried out  
5 on—

6 (A) Indian lands, with the approval of the  
7 applicable Indian tribe;

8 (B) Hawaiian home lands, with the ap-  
9 proval of the relevant State agency in the State  
10 of Hawaii; and

11 (C) Alaska native lands, with the approval  
12 of the applicable Alaska Native Corporation.

13 (e) PREFERENCE.—In carrying out this title, the Sec-  
14 retaries shall give preference to projects that will—

15 (1) provide long-term benefits by reducing haz-  
16 ardous fuels on Federal land;

17 (2) instill in members of the service and con-  
18 servation corps—

19 (A) a work ethic;

20 (B) a sense of personal responsibility; and

21 (C) a sense of public service;

22 (3) be labor intensive; and

23 (4) be planned and initiated promptly.

1 (f) SUPPORTIVE SERVICES.—The Secretaries may  
2 provide such services as the Secretaries consider necessary  
3 to carry out this title.

4 (g) TECHNICAL ASSISTANCE.—To carry out this  
5 title, the Secretaries shall provide technical assistance,  
6 oversight, monitoring, and evaluation to—

7 (1) State Departments of Natural Resources  
8 and Agriculture (or equivalent agencies); and

9 (2) members of service and conservation corps.

10 **SEC. 604. NONDISPLACEMENT.**

11 The nondisplacement requirements of section 177(b)  
12 of the National and Community Service Act of 1990 (42  
13 U.S.C. 12637(b)) shall apply to activities carried out by  
14 the Corps under this title.

15 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to carry out  
17 this title \$15,000,000 for each of fiscal years 2004  
18 through 2008.

19 **TITLE VII—RURAL COMMUNITY**  
20 **FORESTRY ENTERPRISE PRO-**  
21 **GRAM**

22 **SEC. 701. PURPOSE**

23 The purpose of this title is to assist in the economic  
24 revitalization of rural forest resource-dependent commu-

1 nities through incentives to promote investment in private  
2 enterprise and community development by—

- 3 (1) the Department of Agriculture;
- 4 (2) the Department of the Interior;
- 5 (3) the Department of Commerce;
- 6 (4) the Small Business Administration;
- 7 (5) land grant colleges and universities; and
- 8 (6) 1890 Institutions.

9 **SEC. 702. DEFINITIONS.**

10 In this title:

11 (1) 1890 INSTITUTION.—The term “1890 Insti-  
12 tution” has the meaning given the term in section  
13 2 of the Agricultural Research, Extension, and Edu-  
14 cation Reform Act of 1998 (7 U.S.C. 7601).

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
16 ty” means—

- 17 (A) a unit of State or local government;
- 18 (B) an Indian tribe;
- 19 (C) a nonprofit organization;
- 20 (D) a small forest products business;
- 21 (E) a rural forest resource-dependent com-  
22 munity;
- 23 (F) a land grant college or university; or
- 24 (G) an 1890 institution.

1           (3) ELIGIBLE PROJECT.—The term “eligible  
2           project” means a project described in section 703  
3           that will promote the economic development in rural  
4           forest resource-dependent communities based on—

5                   (A) responsible forest stewardship;

6                   (B) the production of sustainable forest  
7           products; or

8                   (C) the development of forest related tour-  
9           ism and recreation activities.

10          (4) FOREST PRODUCTS.—The term “forest  
11         products” means—

12                   (A) logs;

13                   (B) lumber;

14                   (C) chips;

15                   (D) small-diameter finished wood products;

16                   (E) energy biomass;

17                   (F) mulch; and

18                   (G) any other material derived from forest  
19         vegetation or individual trees or shrubs.

20          (5) NONPROFIT ORGANIZATION.—The term  
21         “nonprofit organization” means an organization that  
22         is—

23                   (A) described in section 501(c) of the In-  
24         ternal Revenue Code of 1986; and

1 (B) exempt from taxation under 501(a) of  
2 that Code.

3 (6) PROGRAM.—The term “program” means  
4 the rural community forestry enterprise program es-  
5 tablished under section 703.

6 (7) SMALL FOREST PRODUCTS BUSINESS.—The  
7 term “small forest products business” means a small  
8 business concern (as defined under section 3 of the  
9 Small Business Act (15 U.S.C. 632)) that is classi-  
10 fied under subsector 113 or code number 115310 of  
11 the North American Industrial Classification Sys-  
12 tem.

13 (8) RURAL FOREST RESOURCE-DEPENDENT  
14 COMMUNITY.—

15 (A) IN GENERAL.—The term “rural forest  
16 resource-dependent community” means a com-  
17 munity located in a rural area of the United  
18 States that is traditionally dependent on for-  
19 estry products as a primary source of commu-  
20 nity infrastructure.

21 (B) INCLUSIONS.—The term “rural forest  
22 resource-dependent community” includes a com-  
23 munity described in subparagraph (A) located  
24 in—

25 (i) the northern forest land of Maine;

- 1 (ii) New Hampshire;  
2 (iii) New York;  
3 (iv) Vermont;  
4 (v) the Upper Peninsula of Michigan;  
5 (vi) northern California;  
6 (vii) eastern Oregon;  
7 (viii) the Bitterroot Valley of Mon-  
8 tana;  
9 (ix) the northern panhandle of Idaho;  
10 and  
11 (x) other areas, as determined by the  
12 Secretary.

13 (9) SECRETARY.—The term “Secretary” means  
14 the Secretary of Agriculture, acting through the  
15 Chief of the Forest Service.

16 **SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE**  
17 **PROGRAM.**

18 (a) IN GENERAL.—

19 (1) ESTABLISHMENT.—The Secretary shall es-  
20 tablish within the Forest Service a program to be  
21 known as the “Rural Community Forestry Enter-  
22 prise Program”.

23 (2) COORDINATION.—In carrying out the pro-  
24 gram, the Secretary shall coordinate with—

25 (A) the Small Business Administration;

1 (B) the Economic Development Adminis-  
2 tration;

3 (C) land grant colleges and universities;

4 (D) 1890 institutions; and

5 (E) other agencies of the Department of  
6 Agriculture that administer rural development  
7 programs.

8 (b) PURPOSES.—The purposes of the program are—

9 (1) to enhance technical and business manage-  
10 ment skills training;

11 (2) to organize cooperatives and marketing pro-  
12 grams;

13 (3) to establish and maintain timber worker  
14 skill pools;

15 (4) to establish and maintain forest product  
16 distribution networks and collection centers;

17 (5) to facilitate technology transfer for proc-  
18 essing small diameter trees and brush into useful  
19 products;

20 (6) to develop, where support exists, a program  
21 to promote science-based technology implementation  
22 and technology transfer that expands the capacity  
23 for small forest product businesses to work within  
24 market areas;

1           (7) to promote forest-related tourism and rec-  
2       reational activities;

3           (8) to enhance the rural forest business infra-  
4       structure needed to reduce hazardous fuels on public  
5       and private land; and

6           (9) to carry out related programs and activities,  
7       as determined by the Secretary.

8       (c) FOREST ENTERPRISE CENTERS.—The Secretary  
9       shall establish at least 1 Forest Enterprise Center at each  
10      Research Station of the Forest Service, to be located at  
11      a forest science laboratory—

12           (1) to carry out eligible projects; and

13           (2) to coordinate assistance provided to small  
14      forest products businesses with—

15           (A) the Small Business Administration, in-  
16      cluding the timber set-aside program carried  
17      out by the Small Business Administration;

18           (B) the Rural Utilities Service, the Rural  
19      Housing Service, and the Rural Business-Coop-  
20      erative Service of the Department of Agri-  
21      culture; and

22           (C) the Economic Development Adminis-  
23      tration, including the local technical assistance  
24      program of the Economic Development Admin-  
25      istration.



1 (d) FOREST ENTERPRISE TECHNICAL ASSISTANCE  
2 AND GRANT PROGRAM.—

3 (1) IN GENERAL.—The Secretary, acting  
4 through the Forest Enterprise Centers established  
5 under subsection (c), shall establish a program to  
6 provide technical assistance and grants to eligible  
7 entities to carry out eligible projects.

8 (2) CRITERIA.—The Secretary shall work with  
9 each Forest Enterprise Center to develop appro-  
10 priate program review and prioritization criteria for  
11 each Research Station.

12 (3) MATCHING FUNDS.—Grants under this sec-  
13 tion shall—

14 (A) not exceed 50 percent of the cost of an  
15 eligible project; and

16 (B) be made on the condition that non-  
17 Federal sources pay for the remainder of the  
18 cost of an eligible project (including payment  
19 through in-kind contributions of services or ma-  
20 terials).

21 (4) AUTHORIZATION OF APPROPRIATIONS.—  
22 There is authorized to be appropriated to carry out  
23 this subsection \$15,000,000 for each of fiscal years  
24 2004 through 2008.

1       **TITLE VIII—MISCELLANEOUS**  
2                               **PROVISIONS**

3       **SEC. 801. FOREST INVENTORY AND MANAGEMENT.**

4           Section 17 of the Cooperative Forestry Assistance  
5   Act of 1978 (16 U.S.C. 2101 note; Public Law 95313)  
6   is amended to read as follows:

7       **“SEC. 17. FOREST INVENTORY AND MANAGEMENT.**

8           “(a) IN GENERAL.—The Secretary shall carry out a  
9   program using geospatial and information management  
10   technologies (including remote sensing imaging and deci-  
11   sion support systems) to inventory, monitor, characterize,  
12   assess, and identify forest stands and potential forest  
13   stands (with emphasis on hardwood forest stands) on—

14           “(1) in units of the National Forest System;  
15       and

16           “(2) on private forest land, with the consent of  
17       the owner of the land.

18       “(b) MEANS.—The Secretary shall carry out the pro-  
19   gram through the use of—

20           “(1) remote sensing technology of the National  
21       Aeronautics and Space Administration and the  
22       United States Geological Survey;

23           “(2) emerging geospatial capabilities in re-  
24       search activities;

1           “(3) validating techniques using application  
2       demonstrations; and

3           “(4) integration of results into pilot operational  
4       systems.

5       “(c) ISSUES TO BE ADDRESSED.—In carrying out  
6 the program, the Secretary shall address issues  
7 including—

8           “(1) early detection, identification, and assess-  
9       ment of environmental threats (including insect, dis-  
10      ease, invasive species, fire, acid deposition, and  
11      weather-related risks and other episodic events);

12          “(2) loss or degradation of forests;

13          “(3) degradation of the quality forest stands  
14      caused by inadequate forest regeneration practices;

15          “(4) quantification of carbon uptake rates; and

16          “(5) management practices that focus on pre-  
17      venting further forest degradation.

18       “(d) EARLY WARNING SYSTEM.—In carrying out the  
19 program, the Secretary shall develop a comprehensive  
20 early warning system for potential catastrophic environ-  
21 mental threats to forests to increase the likelihood that  
22 forest managers will be able to—

23          “(1) isolate and treat a threat before the threat  
24      gets out of control; and

1           “(2) prevent epidemics, such as the American  
2           chestnut blight in the first half of the twentieth cen-  
3           tury, that could be environmentally and economically  
4           devastating to forests.

5           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated to carry out this section  
7           \$5,000,000 for each of fiscal years 2004 through 2009.”.

8           **SEC. 802. PROGRAM FOR EMERGENCY TREATMENT AND RE-**  
9           **DUCTION OF NONNATIVE INVASIVE PLANTS.**

10          (a) DEFINITIONS.—In this section:

11               (1) INTERFACE COMMUNITY.—The term “inter-  
12               face community” has the meaning given the term in  
13               the notice published at 66 Fed. Reg. 751 (January  
14               4, 2001) (including any subsequent revision to the  
15               notice).

16               (2) INTERMIX COMMUNITY.—The term  
17               “intermix community” has the meaning given the  
18               term in the notice published at 66 Fed. Reg. 751  
19               (January 4, 2001) (including any subsequent revi-  
20               sion to the notice).

21               (3) PLANT.—The term “plant” includes—

- 22                       (A) a tree;  
23                       (B) a shrub; and  
24                       (C) a vine.

1           (4) PROGRAM.—The term “program” means  
2           the program for emergency treatment and reduction  
3           of nonnative invasive plants established under sub-  
4           section (b)(1).

5           (5) SECRETARIES.—The term “Secretaries”  
6           means the Secretary of Agriculture and the Sec-  
7           retary of the Interior, acting jointly.

8           (b) ESTABLISHMENT.—

9           (1) IN GENERAL.—The Secretaries shall estab-  
10          lish a program for emergency treatment and reduc-  
11          tion of nonnative invasive plants to provide to State  
12          and local governments and agencies, conservation  
13          districts, tribal governments, and willing private  
14          landowners grants for use in carrying out hazardous  
15          fuel reduction projects to address threats of cata-  
16          strophic fires that have been determined by the Sec-  
17          retaries to pose a serious threat to—

18                   (A) property;

19                   (B) human life; or

20                   (C) the ecological stability of an area.

21          (2) COORDINATION.—In carrying out the pro-  
22          gram, the Secretaries shall coordinate with such  
23          Federal agencies, State and local governments and  
24          agencies, and conservation districts as are affected  
25          by projects under the program.

1       (c) ELIGIBLE LAND.—A project under the program  
2 shall—

3           (1) be carried out only on land that is located—

4               (A) in an interface community or intermix  
5 community; or

6               (B) in such proximity to an interface com-  
7 munity or intermix community as would pose a  
8 significant risk in the event of the spread of a  
9 fire disturbance event from the land (including  
10 a risk that would threaten human life or prop-  
11 erty in proximity to or within the interface com-  
12 munity or intermix community), as determined  
13 by the Secretaries;

14           (2) remove fuel loads determined by the Secre-  
15 taries, a State or local government, a tribal govern-  
16 ment, or a private landowner to pose a serious  
17 threat to—

18               (A) property;

19               (B) human life; or

20               (C) the ecological stability of an area; and

21           (3) involve the removal of nonnative invasive  
22 plants.

23       (d) USE OF FUNDS.—Funds made available for a  
24 project under the program shall be used only for—

1           (1) the removal of plants or other potential  
2       fuels that are—

3           (A) adjacent to or within the wildland  
4       urban interface; or

5           (B) adjacent to a municipal watershed,  
6       river, or water course;

7           (2) the removal of erosion structures that im-  
8       pede the removal of nonnative plants; or

9           (3) the replanting of native vegetation to reduce  
10      the reestablishment of nonnative invasive plants in a  
11      treatment area.

12      (e) REVOLVING FUND.—

13           (1) IN GENERAL.—In the case of a grant pro-  
14      vided to a willing owner to carry out a project on  
15      non-Federal land under this section, the owner shall  
16      deposit into a revolving fund established by the Sec-  
17      retaries any proceeds derived from the sale of timber  
18      or biomass removed from the non-Federal land  
19      under the project.

20           (2) USE.—The Secretaries shall use amounts in  
21      the revolving fund to make additional grants under  
22      this section.

23      (f) AUTHORIZATION OF APPROPRIATIONS.—There  
24      are authorized to be appropriated such sums as are nec-

1    essary to carry out this section, to remain available until  
2    expended.

3    **SEC. 803. USDA NATIONAL AGROFORESTRY CENTER.**

4           (a) IN GENERAL.—Section 1243 of the Food, Agri-  
5    culture, Conservation, and Trade Act of 1990 (16 U.S.C.  
6    1642 note; Public Law 101–624) is amended—

7               (1) by striking the section heading and insert-  
8               ing the following:

9    **“SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.”;**

10           and

11               (2) in subsection (a)—

12                       (A) by striking “SEMIARID” and inserting  
13                       “USDA NATIONAL”; and

14                       (B) by striking “Semiarid” and inserting  
15                       “USDA National”.

16           (b) PROGRAM.—Section 1243(b) of the Food, Agri-  
17    culture, Conservation, and Trade Act of 1990 (16 U.S.C.  
18    1642 note; Public Law 101–624) is amended—

19               (1) by inserting “local governments, community  
20               organizations, the Institute of Tropical Forestry and  
21               the Institute of Pacific Islands Forestry of the For-  
22               est Service,” after “entities,”;

23               (2) in paragraph (1), by striking “on semiarid  
24               lands”;



1           (3) in paragraph (3), by striking “from semi-  
2    arid land”;

3           (4) by striking paragraph (4) and inserting the  
4    following:

5           “(4) collect information on the design, installa-  
6    tion, and function of forested riparian and upland  
7    buffers to—

8           “(A) protect water quality; and

9           “(B) manage water flow;”;

10          (5) in paragraphs (6) and (7), by striking “on  
11    semiarid lands” each place it appears;

12          (6) by striking paragraph (8) and inserting the  
13    following:

14          “(8) provide international leadership in the  
15    worldwide development and exchange of agroforestry  
16    practices;”;

17          (7) in paragraph (9), by striking “on semiarid  
18    lands”;

19          (8) in paragraph (10), by striking “and” at the  
20    end;

21          (9) in paragraph (11), by striking the period at  
22    the end and inserting a semicolon; and

23          (10) by adding at the end the following:

24          “(12) quantify the carbon storage potential of  
25    agroforestry practices such as—

1                   “(A) windbreaks;  
2                   “(B) forested riparian buffers;  
3                   “(C) silvopasture timber and grazing sys-  
4                   tems; and  
5                   “(D) alley cropping; and  
6                   “(13) modify and adapt riparian forest buffer  
7                   technology used on agricultural land for use by com-  
8                   munities to manage stormwater runoff.”.

9   **SEC. 804. UPLAND HARDWOODS RESEARCH CENTER.**

10           (a) IN GENERAL.—Not later than 180 days after the  
11   date of enactment of this Act, the Secretary of Agriculture  
12   shall establish an Upland Hardwood Research Center.

13           (b) LOCATION.—The Secretary of Agriculture shall  
14   locate the Research Center in an area that, as determined  
15   by the Secretary of Agriculture, would best use and study  
16   the upland hardwood resources of the Ozark Mountains  
17   and the South.

18           (c) DUTIES.—The Upland Hardwood Research Cen-  
19   ter shall, in conjunction with the Southern Forest Re-  
20   search Station of the Department of Agriculture—

21               (1) provide the scientific basis for sustainable  
22               management of southern upland hardwood forests,  
23               particularly in the Ozark Mountains and associated  
24               mountain and upland forests; and

1           (2) conduct research in all areas to emphasize  
2           practical application toward the use and preservation  
3           of upland hardwood forests, particularly—

4                 (A) the effects of pests and pathogens on  
5                 upland hardwoods;

6                 (B) hardwood stand regeneration and re-  
7                 productive biology;

8                 (C) upland hardwood stand management  
9                 and forest health;

10                (D) threatened, endangered, and sensitive  
11                aquatic and terrestrial fauna;

12                (E) ecological processes and hardwood eco-  
13                system restoration; and

14                (F) education and outreach to nonindus-  
15                trial private forest landowners and associations.

16       (d) RESEARCH.—In carrying out the duties under  
17       subsection (c), the Upland Hardwood Research Center  
18       shall—

19                (1) cooperate with the Center for Bottomland  
20                Hardwood Research of the Southern Forest Re-  
21                search Station of the Department of Agriculture, lo-  
22                cated in Stoneville, Mississippi; and

23                (2) provide comprehensive research in the Mid-  
24                South region of the United States, the Upland For-  
25                ests Ecosystems Unit of the Southern Forest Re-

1 search Station of the Department of Agriculture, lo-  
2 cated in Monticello, Arkansas.

3 (e) PARTICIPATION OF PRIVATE LANDOWNERS.—  
4 The Secretary of Agriculture shall encourage and facilitate  
5 the participation of private landowners in the program  
6 under this section.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$2,500,000 for each of fiscal years 2004 through 2008.

10 **SEC. 805. SENSE OF CONGRESS REGARDING ENHANCED**  
11 **COMMUNITY FIRE PROTECTION.**

12 It is the sense of Congress to reaffirm the importance  
13 of enhanced community fire protection program, as de-  
14 scribed in section 10A of the Cooperative Forestry Assist-  
15 ance Act of 1978 (16 U.S.C. 2106e) (as added by section  
16 8003(b) of the Farm Security and Rural Investment Act  
17 of 2002 (Public Law 107–171; 116 Stat. 473)).